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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

Ludmila Gulkarov, Janine Torrence, Kelly
McKee, and Josh Crawford

Plaintiffs,

v.

Plum, PBC; and Plum, Inc.

Defendants.

Case No. 4:21-cv-00913-YGR

**NOTICE OF RELATED CASE PURSUANT
TO CIVIL L.R. 3-12; ADMINISTRATIVE
MOTION TO CONSIDER WHETHER CASES
SHOULD BE RELATED PURSUANT TO
CIVIL L.R. 7-11**

Administrative Motion

Hon. Yvonne Gonzalez Rogers

PLEASE TAKE NOTICE that pursuant to Local Rule 3-12 and 7-11, Plaintiffs AG; HG and XG in the related case *AG et al. v. Plum, PBC, et al.*, 3:21-cv-01600-LB file the instant Notice of Related Cases and submit this Administrative Motion to Consider Whether Cases Should be Related pursuant to Civil Local Rules 3-12 and 7-11. The following cases call for a determination of the same or substantially identical questions of law and fact and, therefore, are likely to entail substantial duplication of labor for the judges assigned each respective case. Moreover, each of these cases involves plaintiffs who allege injuries after purchasing and/or consuming Defendants' baby food products. Defendants include the manufacturers of baby food products. Of the three related actions, there are two cases assigned to the Honorable Yvonne Gonzalez Rogers. One case is pending reassignment from a magistrate judge to an Article III judge (listed below).

I. Applicable Standard Under Civil L.R. 3-12

Under Civil Local Rule 3-12(a), an action is related to another when: (1) "The actions concern substantially the same parties, property, transaction or event"; and (2) "It appears likely that there will

be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.” Civil L.R. 3-12(a). These three cases are related because they all involve similar types of plaintiffs (individuals who purchased and/or were exposed to defendants’ baby food products and suffered personal and/or economic injuries), the same subject matter, and substantially the same defendants (baby food manufacturers). Whenever a party knows or believes that an action may be related to an action which is or was pending in the Northern District, said party “must promptly file in the earliest-filed case an Administrative Motion to Consider Whether Cases Should Be Related, pursuant to Civil L.R. 7-11.”

II. Related Cases

On February 5, February 15, and March 5, 2021, respectively, three actions were filed against defendant Plum, PBC and other baby food manufacturers alleging economic and personal injuries arising from the purchase and/or consumption of various baby food products. They are listed in ascending order, starting with the lowest case number:

Gulkarov v. Plum, Inc., et al., 4:21-cv-00913-YGR (Judge Rogers)

McKeon, et al. v. Plum, PBC, 4:21-cv-01113-YGR (Judge Rogers)

AG, et al. v. Plum, PBC, et al., 3:21-cv-01600-LB (Magistrate Judge Beeler)

Upon filing, the *Gulkarov* case was assigned to Judge Rogers. And, upon filing and a notice of related case, the *McKeon* case was subsequently related to *Gulkarov* and also assigned to Judge Rogers. The *AG v. Plum* case has been assigned to Magistrate Judge Laurel Beeler pending re-assignment to an Article III judge. The instant notice and motion seek to relate the *AG v. Plum* case to the two related cases currently pending before Judge Rogers.

III. Why These Cases Are Related

The above listed cases all allege that the plaintiffs suffered economic and/or personal injuries following purchase and/or consumption of defendants’ baby food products. Two of the cases – *Gulkarov* and *McKeon* – are class actions alleging economic injuries related to defendant Plum’s failure to disclose the substantial quantity of toxic heavy metals in the presence of its baby foods. *AG, et al. v. Plum et al.* is a personal injury case alleging that plaintiffs’ exposures to various baby foods sold by defendant Plum and other baby food manufacturers resulted in plaintiffs being diagnosed

1 with debilitating neurodevelopmental disorders. All three related cases involve overlapping
2 defendants and similar subject matter pertaining to the presence of toxic heavy metals in defendants'
3 baby foods. As such, plaintiffs AG, HG, and XG respectfully request that, pursuant to Civil Local
4 Rule 3-12, their case be related to the *Gulkarov* and *McKeon* matters currently pending before this
5 Court.

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7 DATED: March 12, 2021

Respectfully submitted,

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9 By: /s/ Pedram Esfandiary

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